



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2011 Biennium

Bill #	SB0387	Title:	Revise laws related to the Board of Environmental Review
Primary Sponsor:	Bales, Keith	Status:	As Introduced

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| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
Expenditures:				
General Fund	\$13,020	\$13,020	\$13,680	\$14,022
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$13,020)</u>	<u>(\$13,020)</u>	<u>(\$13,680)</u>	<u>(\$14,022)</u>

Description of fiscal impact:

The bill would require the Board of Environmental Review (the Board) to issue a final decision within 120 days from the date it receives a request for a hearing on appeals of department decisions regarding air quality permits and major facility siting act certification.

FISCAL ANALYSIS

Assumptions:

1. This bill revises laws related to the Board of Environmental Review; revises hearing request procedures; requires a written undertaking to be given by a party requesting a hearing or a stay; requires that the Board issue a final decision within 120 days under the air quality laws and the major facility siting laws; modifies the expiration date requirements for a permit or license; clarifies remand procedures; clarifies the use of best available control technology regulations and guidance; and clarifies commencement of construction requirements.

Judicial Branch

2. The Judicial Branch is unable to estimate the impact of this legislation on judicial workload or the fiscal impact. The cumulative impact of all legislation establishing new actions in District Courts may over time require additional judicial resources because generally court dockets are full throughout the state.

Department of Environmental Quality

3. It is assumed four such appeals per year will occur.
4. It is assumed the applicant in two of these will elect to go through district court rather than the Board, as provided in the bill.
5. It is assumed the Board will elect to hear these cases directly rather than assign it to a hearings officer.
6. The Board currently meets six times per year. Depending on the timing of the receipt of the request for hearing, it may be necessary to schedule special board meetings to hear motions, conduct the hearings, or make final decisions within the 120-day deadline.
7. It is assumed a total of four special meetings per year will be required to meet the deadlines imposed by this bill.
8. A special Board meeting is estimated to cost \$3,255, which breaks out as follows: \$1,509 for Board member travel and per diem, \$987 for Agency Legal Services costs for the Board attorney, and \$759 for contracted court recorder services. Four meetings in FY 2010 will cost \$13,020.
9. The \$13,020 is inflated by 2.5% each year for FY 2012 and FY 2013.

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Operating Expenses	\$13,020	\$13,020	\$13,680	\$14,022
TOTAL Expenditures	\$13,020	\$13,020	\$13,680	\$14,022
<u>Funding of Expenditures:</u>				
General Fund (01)	\$13,020	\$13,020	\$13,680	\$14,022
TOTAL Funding of Exp.	\$13,020	\$13,020	\$13,680	\$14,022
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
TOTAL Revenues	\$0	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$13,020)	(\$13,020)	(\$13,680)	(\$14,022)

*Sponsor's Initials*_____
*Date*_____
*Budget Director's Initials*_____
Date